

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEPHEN MCELLIGOTT,

Petitioner,

v.

AUDREY MCELLIGOTT,

Respondent.

Civil Action No. 23-3175 (RK) (RLS)

MEMORANDUM ORDER

The Court is in receipt of Respondent's letter requesting that the Court's *in camera* interview of the minor child C.M., scheduled for August 15, 2023, be recorded and conducted in the presence of counsel. (ECF No. 26.) Petitioner has not filed a response.

The Court has carefully considered Respondent's request and finds that the Court will best be able to determine the applicability of the mature child defense by interviewing C.M. *in camera* outside the presence of the parties and their attorneys. This is consistent with how other Courts in proceedings under the Hague Convention on the Civil Aspects of International Child Abduction have proceeded. *See, e.g., Neumann v. Neumann*, 684 F. App'x 471, 482 (6th Cir. 2017) ("The district court also interviewed the three children individually, in chambers, with only one law clerk present."); *Haimdas v. Haimdas*, 720 F. Supp. 2d 183, 187 (E.D.N.Y.), *aff'd*, 401 F. App'x 567 (2d Cir. 2010) ("The Court interviewed the children *in camera* on the record but outside the presence of the parties and their respective counsel."). Furthermore, the interview will be made part of the record but will not be video or audio recorded.

IT IS THEREFORE, on this 10th day of August, 2023:

1. **ORDERED** that the time for the *in camera* interview of C.M. will be 10:00 a.m. on August 15, 2023,
2. **ORDERED** that Respondent's request (ECF No. 26) that the *in camera* interview of C.M. be recorded and conducted in the presence of counsel is **DENIED**,
3. **ORDERED** that the *in camera* interview of C.M. will be transcribed by the Court Reporter and made part of the record.



ROBERT KIRSCH
UNITED STATES DISTRICT JUDGE